THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1165 of 2006

Dated:13.08.2007

Between

The Managing Director,
M/s.Gulf Oil Corporation Limited,
(Formerly known as IDL Industries
Limited), Kukatpally, Hyderabad
Rep., by its Authorised Signatory,
P.S.Murthy

.....Petitioner

and

1.The Additional Industrial Tribunal
cum Additional Labour Court,
Chandra Vihar Complex, MJ Road
Nampally, Hyderabad rep., by its
Presiding Officer and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1165 of 2006

ORDER:

This writ petition is filed by the Management of Gulf Oil Corporation, Hyderabad questioning the order passed in I.A.No.113 of 2003 in I.D.No.79 of 2001 dated 31.1.2005 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court at Hyderabad.

Petitioner is management and second respondent is the employee. It appears, second respondent filed a claim petition under Section 2-A (2) of the Industrial Disputes Act, 1947. The petitioner herein filed a detailed counter in the said claim petition denying the allegations stating that

the subject matter of the claim petition has already been adjudicated in I.D.No.70 of 1996 vide award dated 20.2.1998, therefore the second respondent has no right to file another claim petition against the petitioner-management. In this regard, the petitioner management filed the present application being I.A.No.113 of 2003 praying the Labour Court to decide as to whether the filing of second claim petition against the petitioner-management is hit by principle of *res judicata* since the parties and the issues involved in the earlier claim petition and in the present claim petition are one and the same.

There is no necessity of going into all the details.

The learned counsel for second respondent expressed no objection for deciding the issue of *res judicata* as a preliminary issue.

In view of the same, the first respondent-

Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad shall decide the issue as to whether the present I.D. is hit by principle of *res judicata* in the light of award dated 20.2.1998 in I.D.No.70 of 1996 between the same parties and on the same issue. This issue shall be decided by the Labour Court as a preliminary issue.

In the circumstances, the impugned order dated 31.1.2005 passed by the Labour Court is set aside and I.A.No.113 of 2003 is ordered accordingly. It is desirable that the Labour Court, after giving opportunity to both the parties, shall decide the preliminary issue within a period of (8) weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

13-08-2007

rkk